IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4693 of 2007()

CRIME NO.232 OF 2007 OF VIZHINJAM POLICE STATION

: PETITIONER/ACCUSED

SULAIMAN A., S/O. ABDUL AZEEZ,
SYTH MANZIL, KUZHIVILA, KALLUVETTANKUZHY,
VIZHINJAM P.O.

BY ADV. SRI.SAJU.S.A

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4693 of 2007

Dated this the 13th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner is allegedly guilty of matrimonial cruelty of the culpable variety against his wife. He faces allegations under Section 498 A I.P.C. The petitioner seeks anticipatory bail. He submits that the disputes between the spouses have all been settled and they have harmoniously resumed co-habitation.

2. The learned Public Prosecutor after taking instructions concedes that the spouses are now living together and the State has no objection in granting anticipatory bail to the petitioner.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 20.08.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 20.08.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 20.08.07.

(R.BASANT, JUDGE)

rtr/-